

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

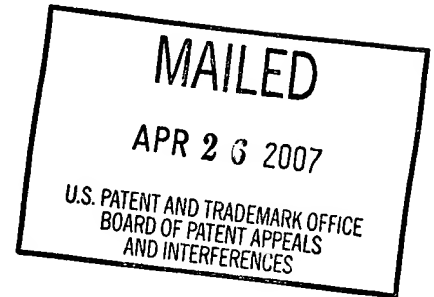
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*Ex parte* MARIE-CHRISTINE ETIENNE

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Appeal 2007-1166  
Application 09/839,366

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**ORDER DISMISSING APPEAL**

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Appellant filed a Notice of Appeal on November 17, 2003. On June 01, 2004, the Appellant filed their Appeal Brief. On March 10, 2006, the Examiner filed a Supplemental Examiner's Answer which included a new ground of rejection against the claim.

On April 19, 2007, Dianne E. Maggard, Lead Paralegal Specialist for the Board of Patent Appeals and Interferences via telephone contacted counsel for Appellant, Richard E. Fichter, Reg. No. 26,382. Mr. Fichter indicated that no response to the Supplemental Examiner's Answer had been filed.

The Examiner provided Appellant with 2 months to respond to the Supplemental Examiner's Answer "to avoid *sua sponte* **dismissal of the appeal.**" Since Appellant did not respond, the appeal is dismissed.

Appeal 2007-1166  
Application 09/839,366

Accordingly, it is

ORDERED that the Notice of Appeal filed November 17, 2003, is  
dismissed.

The application is being returned to the examiner for further action as  
may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'D. M. Shaw', is written over a horizontal line.

Dale M. Shaw  
Chief Appeals Administrator  
(571)272-9797

dm

Richard E. Fichter  
Bacon & Thomas, PLLC  
Fourth Floor  
625 Slaters Lane  
Alexandria, VA 22314